

Assembly Bill No. 1732

Passed the Assembly May 6, 2010

Chief Clerk of the Assembly

Passed the Senate August 9, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act relating to parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1732, Hall. Parks: property transfer.

Existing law provides for the acquisition of public park property and facilities and compensation for that transfer under specified circumstances.

The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act) authorizes, for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$2,100,000,000. The act prohibits the use of the grant funds unless the applicant has agreed to certain conditions, including but not limited to, using the property only for the purposes for which the grant was made and to make no other use or sale or other disposition of the property, except as authorized by a specific act of the Legislature. The act requires that if the use of the property is changed to a use that is not permitted by the act or if the property is sold or otherwise disposed of, an amount equal to the amount of the grant, the fair market value of the real property, as specified, or the proceeds from the sale or other disposition be used by the grantee for a purpose authorized by the act or that this amount be reimbursed to the fund.

This bill would authorize the City of Los Angeles to transfer to the Los Angeles Unified School District parkland known as the Vernon Branch Library Pocket Park and the facilities on that land, conditioned upon, among other things, the city complying with the requirements of the Villaraigosa-Keeley Act and providing a copy of the recorded deed and title policy for, and map of, a substitute parkland. The bill would also prohibit the transfer until the Department of Parks and Recreation determines that all required conditions have been met.

The people of the State of California do enact as follows:

SECTION 1. (a) The City of Los Angeles may transfer to the Los Angeles Unified School District parkland known as the Vernon Branch Library Pocket Park and the facilities on that land, if the all of the following conditions are met:

(1) The city complies with Section 5096.343 of the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act) (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code), and submits to the Department of Parks and Recreation a copy of the recorded deed and title policy for, and map of, the substitute parkland.

(2) The city submits to the department a revised map of Vernon Branch Library Pocket Park, with the revised acreage.

(3) The city enters into an agreement with the Los Angeles Unified School District that identifies the parcels in the city that will be acquired and developed as substitute parkland and the facilities that will be constructed on the substitute parkland.

(4) The city provides a detailed land plan that shows the following:

(A) The specific parcels of Vernon Branch Library Pocket Park that will be transferred to the Los Angeles Unified School District

(B) The parcels in the city that will be acquired and developed as substitute parkland.

(C) The facilities that will be constructed on the substitute parkland.

(D) A demonstration that there is no net loss in park acreage as a result of the transfer pursuant to this section.

(5) The transferred property is used only for a school facility.

(6) The city ensures that the substituted parkland is developed and dedicated in perpetuity for park purposes.

(7) At least 45 days prior to transferring the property, the city adopts an ordinance at a public meeting that does all of the following:

(A) Identifies the Vernon Branch Library Pocket Park parcels that are to be transferred to the school district, and the parcels that the city will acquire to replace the transferred property.

(B) Makes a finding that the replacement property used as a substitute parkland has a value that equals the amount of the grant

used to acquire the property known as the Vernon Branch Library Pocket Park, the fair market value of that real property, or the proceeds from the sale or other disposition, whichever is greater.

(C) Makes a finding that the replacement parcels and facilities will be provided or paid for by the school district and will have acreage that is equal to or larger than the acreage of the Vernon Branch Library Pocket Park parcels transferred to the school district.

(D) Makes a finding that the transfer does not diminish the environmental integrity or recreational value of Vernon Branch Library Pocket Park.

(E) Makes a finding that the replacement parcels, including facilities, will provide an equivalent or higher level of recreational and environmental service to the current users of Vernon Branch Library Pocket Park.

(F) Makes a finding that the replacement parcels and facilities are in addition to existing city property.

(G) Makes a finding that the city has obtained all required state and federal approvals for the transfer of the Vernon Branch Library Pocket Park parcels to the school district.

(b) The transfer pursuant to subdivision (a) shall not occur until the department determines that all of the conditions set forth in subdivision (a) have been met.

Approved _____, 2010

Governor